THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 258 (M/S) of 2006
(Under Article 226/227 of the Constitution of India)

Surendra Singh S/O Shri Manfool Singh,
R/O village Beldi Salhapur, Tehsil Roorkee,
District haridwar. **…. Petitioner**

Versus

1. First Additional Civil Judge (Jr. Div.) Roorkee, Haridwar.
2. Ajay Kumar, S/O Shri Bishamber,
   R/O village Beldi Salhapur, Pargana and
   Tehsil Roorkee, District Haridwar.
3. Smt Kaboolo W/o Shri Nagina,
   R/o village Diwalhedi, Tehsil-Deoband,
   District Saharanpur (U.P.)

…. Respondents.

Sri Ajay Veer Pundir, leaned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent No. 1.

Dated March 23, 2006.

PC:
(Hon'ble B.S. Verma, J.

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction to the respondent no. 1 to decide the Original Suit No. 87 of 2005, Surendra Singh Vs. Ajay Kumar, pending disposal in that court, expeditiously.

The record of the case shows that the petitioner has filed a suit for permanent injunction and cancellation of sale deed against the respondent nos. 2 and 3, which was registered as Civil Suit No. 87 of 2005. It is alleged that due to the delay tactics being adopted by the defendants, the proceedings of the suit are being prolonged and even the application for interim injunction moved by the petitioner could not be decided so far due to the adjournments being sought by them.

In the course of argument, learned counsel for the petitioner submitted that to meet the ends of justice, a direction may be issued to the respondent no. 1 to decide the Original Suit No. 85 of 2005 pending disposal in his court, expeditiously. The learned counsel for the petitioner also made an oral prayer that the trial court may be directed to decide the application under Order 39, Rules 1 and 2 CPC within a stipulated time.

The learned I Additional Civil Judge (Jr. Division), Roorkee (Haridwar) is directed to decide the aforesaid O.S. No. 87 of 2005, pending disposal in that court preferably within a period of one year on merit from the date of production of certified copy of this order. The trial court is further directed to decide the application under Order 39, Rules 1 and 2 C.P.C. moved by the petitioner, preferably within a period of one month as far as possible.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S.Verma. J.)

RCP